

See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).  
Rewrote (a).

Amended by R.1999 d.422, effective December 6, 1999.  
See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote the section.

### 13:20-24.21 Motorcycle license plates and tabs

Effective at the time the 1970 motorcycle registrations are issued, only one license plate and/or one license plate tab shall be issued for each motorcycle, to be displayed on the rear of the motorcycle.

## SUBCHAPTER 25. SAFETY GLAZING MATERIAL: OTHER EQUIPMENT

### 13:20-25.1 Letter requesting approval

A letter requesting approval of a particular device, safety glazing materials or other equipment shall be directed to the Director, Division of Motor Vehicles by the manufacturer of the device, safety glazing material or other equipment.

### 13:20-25.2 Application for approval; report

Applications for approval shall be accompanied by a report from a recognized independent testing laboratory and such report shall reveal that the device, safety glazing material or other equipment for which approval is requested, meets or exceeds the specifications and standards established by the Society of Automotive Engineers or the American Standards Association, or specifications and standards adopted by the Director or the American Association of Motor Vehicle Administrators.

As amended, R.1981 d.15, eff. January 16, 1981.

See: 12 N.J.R. 606(b), 13 N.J.R. 149(d).

Added American Association of Motor Vehicle Administrators.

### 13:20-25.3 Samples

Properly identified samples of a device, safety glazing material or other equipment must be submitted to the Director for test and record purposes.

### 13:20-25.4 Determination of approval

(a) The Director shall determine from the testing laboratory reports and examination of the item submitted whether or not it meets the established specifications and standards.

(b) The Director shall by letter inform the applicant of his or her determination.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (b), inserted "or her" preceding "determination".

### 13:20-25.5 Safety glazing material approval procedure

(a) Standards and specifications for the approval of safety glazing materials shall conform to the American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1a-1977, January 26, 1977, as supplemented by Z26.1a-1980, July 3, 1980.

(b) Safety glazing materials conforming to Z26.1-1966 must be used on all motor vehicles manufactured on and after September 1, 1967, and registered in New Jersey, and may be used on vehicles manufactured prior to September 1, 1967.

(c) Those safety glazing materials which were approved prior to the date of this regulation may continue to be used on vehicles manufactured prior to September 1, 1967.

Amended by R.1986 d.80, effective April 7, 1986.

See: 18 N.J.R. 47(a), 18 N.J.R. 703(a).

(a) substantially amended.

Amended by R.1996 d.28, effective January 16, 1996.

See: 27 N.J.R. 4140(a), 28 N.J.R. 272(a).

In (a) substituted "Z26.1a-1977, January 26, 1977, as supplemented by Z26.1a-1980, July 3, 1980" for "Z26.1a-1969, March 1, 1969".

## SUBCHAPTER 26. COMPLIANCE WITH DIESEL EMISSION STANDARDS AND EQUIPMENT, PERIODIC INSPECTION PROGRAM FOR DIESEL EMISSIONS, AND SELF-INSPECTION OF CERTAIN CLASSES OF MOTOR VEHICLES

### 13:20-26.1 Applicability

This subchapter shall apply to all vehicles registered in this State.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Division" means the Division of Motor Vehicles in the Department of Transportation in the State of New Jersey.

"Lessee" means any person who exercises control or who operates a motor vehicle under an agreement or contract for 30 days or more.

"Vehicle" means every trailer, semitrailer, pole-trailer, truck registered at a gross weight in excess of 6,000 pounds, truck-tractor as defined in N.J.S.A. 39:1-1, and every vehicle registered in this State engaged in interstate commerce which is now or hereafter subject to regulation and license by the Interstate Commerce Commission or its successor agency and/or the Bureau of Motor Carrier Safety of the Federal Highway Administration.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Inserted "Director" and "Division"; in "Lessee", deleted "under a contract or agreement" following "any person" and substituted "an" for "said" preceding "agreement or contract"; in "Vehicle", inserted "or its successor agency" following "Interstate Commerce Commission".

### 13:20-26.3 Inspection and maintenance

(a) Every owner or lessee of a motor vehicle registered in this State shall systematically inspect and maintain, or cause to be systematically inspected and maintained, all motor vehicles subject to its control, and the accessories, required by 49 C.F.R. Part 393, to be mounted thereon, to insure that such motor vehicle and accessories are in safe and proper operating condition. An owner or lessee shall maintain a systematic inspection and maintenance record for each vehicle. The inspection and maintenance records shall include, at a minimum, the following:

1. An identification of the vehicle including the New Jersey registration plate number, make, model, vehicle identification number, and number of tires, tire size, and number of ply;
2. A record of inspection and repairs indicating the nature of the repairs and the date of completion;
3. A lubrication record;
4. A systematic means for indicating for each vehicle the nature and due date of the inspection and maintenance operations to be performed; and
5. If a vehicle is leased or otherwise contracted for, the inspection and maintenance records shall also include the name of the lessor or contractor furnishing the motor vehicle.

(b) The inspection and maintenance records shall be maintained for a period of 24 months by the owner or lessee and shall be immediately available for inspection by the Director or any other person authorized to inspect under this subchapter.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).  
Rewrote the section.

### 13:20-26.4 Unsafe operations

An owner or lessee shall not operate or permit or require a driver to operate any motor vehicle determined by the inspection or operation thereof to be in such condition that its operation would be hazardous or likely to result in the

breakdown of the vehicle; nor shall any driver operate a motor vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).  
Rewrote the section.

### 13:20-26.5 Inspection of motor vehicles

(a) Every State Police officer, and every examiner of the Division may enter upon and perform inspections of vehicles in operation upon the highways of this State or at the premises or places of business of the owner or lessee of such vehicles; provided, however, that such State Police officer or examiner has been authorized to inspect by the Director and has been trained in the inspection standards and procedures now or hereafter established by the Division.

(b) Reports of the inspection described in (a) above shall be submitted to the Director.

Amended by R.1985 d.174, effective April 15, 1985.  
See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).  
Substituted "Division of Motor Vehicles" for "Bureau of Motor Carrier Safety".  
Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).  
Rewrote the section.

### 13:20-26.6 Motor vehicles declared "out-of-service"

(a) Any authorized State Police officer or examiner shall declare and mark "out-of-service" any vehicle which by reason of its mechanical condition or loading may cause a breakdown or an accident.

(b) Any motor vehicle that has been declared and marked "out-of-service" shall not be operated until all repairs have been satisfactorily completed. The term "operate" as used in this section shall include towing the vehicle; provided, however, that vehicles marked "out-of-service" may be towed by means of a vehicle using a crane or a hoist; and provided further, that the vehicle combination consisting of the emergency towing vehicle and the "out-of-service" vehicle meets the performance requirements of 49 CFR § 393.52.

(c) Any authorized State Police officer or examiner shall declare and mark "out-of-service-limited movement authorized" any vehicle which has a serious mechanical or loading defect that may cause a breakdown or an accident, but which defect does not render the vehicle's continued operation, for limited movement, imminently dangerous.

(d) If a vehicle is declared "out-of-service-limited movement authorized," the inspecting State Police officer or examiner, in his or her discretion, may permit the vehicle to proceed to the nearest acceptable place of repair. The inspecting State Police officer or examiner shall record the location of the place of repair, the vehicle's authorized route

of movement and the estimated date and time of arrival at the place of repair on the inspection form. Upon arrival at the designated place of repair, a vehicle marked "out-of-service-limited movement authorized" shall be considered "out-of-service" as described in (b) above.

(e) No person shall remove any marking indicating that a motor vehicle has been declared "out-of-service" prior to completion of all repairs.

(f) The person or persons completing the repairs required by the "out-of-service" or "out-of-service-limited movement authorized" notice shall certify to the Director the date and the time the required repairs were completed.

As amended, R.1971 d.179, effective October 15, 1971.

See: 3 N.J.R. 180(d), 3 N.J.R. 227(a).

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.7 Notice to owner or lessee

(a) The driver of any vehicle receiving notice that the vehicle is "out-of-service" shall:

1. Deliver such notice to the owner or lessee operating the vehicle upon his or her arrival at the next terminal, maintenance facility, or place of business of the owner or lessee, if such arrival occurs within 24 hours.

2. Immediately mail the notice to the owner or lessee if the driver does not arrive at a terminal, maintenance facility, or place of business of the owner or lessee operating the vehicle within 24 hours.

(b) For operating convenience, the owner or lessee may designate any shop, terminal, maintenance facility, place of business, or person to which it may instruct its drivers to deliver or forward such notice.

(c) It shall be the sole responsibility of the owner or lessee to return such notice to the Division in accordance with the terms prescribed therein and in (d) and (e) below.

(d) Any and all defects and deficiencies noted on the "out-of-service" notice shall be corrected. The driver's failure to comply with (a) above shall not excuse the owner or lessee from taking appropriate action to correct defects and deficiencies which come to his or her attention by any means whatsoever.

(e) Within 15 days following the date of the vehicle inspection, the owner or lessee shall forward to the Division a certificate of action taken as a result of said inspection.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.8 Inspection of damaged vehicles

An owner or lessee shall not permit or require a driver to operate nor shall any driver operate a motor vehicle which has been damaged in an accident or by other cause until an inspection has been performed by a person qualified to ascertain the nature and extent of the damage and such person has determined that the vehicle is in safe operating condition.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.9 Vehicle condition report

(a) Every owner or lessee shall require its drivers to report, and every driver shall prepare such a report in writing at the completion of his or her work day or tour of duty, which report shall list any defects or deficiencies of the motor vehicle discovered by the driver or reported to him or her as would be likely to affect the safe operation of the motor vehicle or result in its mechanical breakdown, or shall indicate that no such defects or deficiencies were discovered by or reported to him or her.

(b) An owner or lessee shall examine such reports and shall repair the defects and deficiencies noted therein. The report shall be retained by the owner or lessee for a period of 12 months.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.10 Recommended forms

(a) The following practices and forms are recommended to motor carriers for consideration as one means of establishing the inspection and maintenance practices which are required by N.J.A.C. 13:20-26.3 through 26.9.

1. As a convenient means of providing for the report required by N.J.A.C. 13:20-26.3, the "Driver's Vehicle Condition Report" is suggested. The items are arranged in a logical order of inspection. While the provisions do not require a written inspection report prior to operating, the form may be adapted for such a report by duplicating the text of the form and using an appropriate heading. Changes may be made to suit the particular carrier's operations, such as by providing for the recording of more than one inspection on a single form.

2. As a convenient means for providing the systematic inspection and maintenance records required by N.J.A.C. 13:20-26.3, the Inspection and Maintenance Reports I and II are suggested, but the provisions do not require any particular type or form of records. Other systems recommended by the vehicle manufacturers are suggested as alternative methods.

3. A cardboard check sheet for each inspection period is recommended to be placed in the maintenance facility. Under the suggested system, when the four 1,000-mile inspections have been completed, the mechanic will know that he or she should perform the 5,000-mile inspection in accordance with the 5,000-mile inspection card. These forms, especially the mileage intervals, are suitable for the average over-the-road operator but changes may be made to adapt them to the individual operation. The items listed may be too numerous for some operations and in such cases, carriers may select items applicable to their own operations. Carriers may alter the recommended mileage figures to suit their needs or inspection periods may be determined on other than a mileage basis such as time or fuel consumption. The fundamental requirement is that there be a systematic inspection and maintenance system.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a)3, substituted "maintenance facility" for "garage" and inserted "or she" preceding "should perform"; and amended N.J.A.C. references throughout.

### 13:20-26.11 Required inspection and maintenance

(a) The following items of equipment shall be inspected and maintained at least once every three months:

1. All brake lines and lining;
2. Drive lines;
3. Coupling devices;
4. Tires, wheels, and flaps;
5. Springs;
6. Emergency equipment;
7. Fuel system;
8. Cooling system;
9. Lighting devices, horns, and mirrors;
10. Transmission;
11. Steering equipment;
12. Axles and tie-rod assemblies;
13. Clutch;
14. Exhaust system and exhaust emissions; and
15. Glazing and wipers.

Amended by R.2001 d.20, effective January 16, 2001.  
See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (a), substituted "shall" for "are required to" in the introductory paragraph; and in (a)10, deleted "system" following "Transmission".

### 13:20-26.12 Standards of inspection

All equipment subject to inspection shall meet the standards now or hereafter prescribed by Federal law or rule, New Jersey statute, or Division rule.

Amended by R.1985 d.174, effective April 15, 1985.

See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).

Added text "in accordance with ... (C.52:14B-1 et seq.)"; and deleted "upon 30-day notice".

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.13 Certification

Every owner or lessee shall certify to the Director on a form prescribed that he or she has inspected and maintained his or her vehicles in conformity with this subchapter. Such certification shall be made once every 12 months.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Substituted "shall" for "must" preceding "certify", inserted "or she" preceding "has inspected", inserted "or her" preceding "vehicles", and substituted "with" for "to" following "in conformity".

### 13:20-26.14 Additional inspection

This subchapter shall not be construed to limit or deny the Director the authority to require additional inspection to determine levels of air contaminants from vehicles, nor shall this subchapter be construed as abrogating any code, rule, or regulation now or hereafter promulgated pursuant to Title 26, Chapter 2C of the New Jersey Statutes Annotated, Air Pollution Control Act of 1954.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Rewrote the section.

### 13:20-26.15 Penalties

Any owner or lessee who violates any provision of this subchapter may be subject to the suspension or revocation of his or her New Jersey registration privileges and/or may be subject to the loss of the self-inspection privilege authorized by this subchapter.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

Inserted "or her" following "revocation of his" and deleted "and license" following "New Jersey registration".

### 13:20-26.16 Biennial inspection at an official inspection facility or a private inspection facility

Notwithstanding, and in addition to, any other provision or requirement of this subchapter, all "vehicles" (except trailers, semitrailers, pole trailers, diesel trucks registered at a gross weight of 10,000 pounds or more and diesel truck tractors as defined in N.J.S.A. 39:1-1) shall be inspected pursuant to N.J.S.A. 39:8-1 on a biennial basis at an official inspection facility or a licensed private inspection facility.

New Rule, R.1985 d.174, effective April 15, 1985 (operative July 1, 1985).

See: 17 N.J.R. 270(a), 17 N.J.R. 971(a).

Amended by R.1999 d.422, effective December 6, 1999.

See: 31 N.J.R. 2466(a), 31 N.J.R. 4078(a).

Rewrote the section.

**13:20-26.17 Compliance with diesel emission standards, equipment requirements, and test procedures; periodic inspection program for diesel emissions; self-inspection; exempt vehicles.**

(a) Except as otherwise provided in P.L. 1995, c.157, heavy-duty diesel trucks, as defined by that Act, operating in New Jersey shall be subject to applicable diesel emission standards established by the Department of Environmental Protection at N.J.A.C. 7:27-14, an examination of the muffler and diesel emission control apparatus pursuant to N.J.A.C. 7:27-14, and diesel test procedures set forth in N.J.A.C. 7:27B-4.

(b) On or after July 1, 1998, the owner or lessee of a heavy-duty diesel truck, as defined in P.L. 1995, c.157 and registered in this State, shall submit proof to the Division that the vehicle has, within 90 days after the date of registration or renewal thereof, complied with the requirements for periodic inspection. Compliance with the requirements for periodic inspection shall mean that the vehicle has been tested for opacity at a diesel emission inspection center licensed pursuant to N.J.A.C. 13:20-47 and that the vehicle has successfully passed a test procedure for opacity as set forth in N.J.A.C. 7:27B-4.

(c) Certification of self-inspection pursuant to N.J.A.C. 13:20-26.11 and 26.13 is a representation by the owner or lessee of any heavy-duty diesel truck that, at a minimum, the diesel vehicle is in compliance with the DEP emission standards set forth in N.J.A.C. 7:27-14, all applicable requirements regarding the muffler and emission control apparatus, and that the diesel vehicle can successfully pass the test procedures set forth in N.J.A.C. 7:27B-4. On or after July 1, 1998, any certification of self-inspection shall require compliance with the requirements of (b) above.

(d) The following motor vehicles, some of which may be subject to inspection under other provisions of law or regulation, shall be exempt from the periodic diesel emission inspection requirements of this subchapter:

1. Diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, that are registered as contractor equipment in-transit vehicles pursuant to N.J.S.A. 39:4-30;
2. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in N.J.S.A. 39:8-60, which are designed for farming purposes and registered pursuant to N.J.S.A. 39:3-24 or 39:3-25; and
3. Heavy-duty diesel trucks and other diesel-powered motor vehicles, as defined in P.L. 1995, c.157, which are owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization and used for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

New Rule. R.1997 d.392, effective September 15, 1997.  
See: 29 N.J.R. 1264(a), 29 N.J.R. 4149(a).  
Amended by R.1998 d.310, effective June 15, 1998.

See: 30 N.J.R. 990(a), 30 N.J.R. 2262(b).

In (b), changed "January 1, 1998" to "July 1, 1998" and substituted 90 for 30 days after "the vehicle has, within", and substituted "after" for "prior to" following "90 days"; in (c), changed "January 1, 1998" to "July 1, 1998"; in (d), inserted a reference to N.J.S.A. 39:8-60 in 1 and rewrote 2; and deleted references to diesel-powered motor vehicles throughout the section.

Amended by R.2001 d.20, effective January 16, 2001.

See: 32 N.J.R. 3720(a), 33 N.J.R. 269(a).

In (c), substituted "of" for "for" following "owner or lessee".

## SUBCHAPTER 27. (RESERVED)

## SUBCHAPTER 28. INSPECTION OF NEW MOTOR VEHICLES

### 13:20-28.1 Purpose

(a) The purpose of this subchapter is to effect increased equipment and vehicular safety by requiring new motor vehicle dealers to inspect new motor vehicles prior to delivery to an ultimate purchaser in New Jersey.

(b) Such inspection shall be deemed, when performed in conformity with this subchapter, to satisfy the requirements of N.J.S.A. 39:8-1.

### 13:20-28.2 Applicability

The provisions of this subchapter shall be applicable to all new motor vehicle dealers licensed by the Director.

### 13:20-28.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Director" means the Director of the Division of Motor Vehicles in the Department of Transportation.

"Mileage recording instrument" means an instrument mounted in the passenger compartment of a vehicle which will accurately measure and record the mileage traversed by the vehicle.

"New car dealer" or "new motorcycle dealer" means a dealer licensed pursuant to N.J.S.A. 39:10-19, to sell new passenger vehicles or new motorcycles, his or her employees and/or agents.

"New motor vehicle dealer" means a dealer licensed pursuant to N.J.S.A. 39:10-19, to sell new motor vehicles, his or her employees and/or agents.